

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, June 9, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Roling

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

Pastor Dwayne Williams, Emmanuel Baptist Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the Consent Agenda.

A request was made by Council Member Kermit L. Staggers to move the following agreements from Item 1 to the Regular Agenda for discussion purposes: Economic Development, Core Fa<sup>^</sup>sade Revitalization, Agreement for fa<sup>^</sup>sade reimbursement, 3877 Land Company, \$80,000; and Parks/Rec, Aquatic Center, Agreement for enhanced commissioning services, Questions & Solutions, \$47,800.

A request was made by Council Member Kenny Anderson Jr. to move Item 3, Foundation Park Memorandum of Understanding and Term Sheet, to the Regular Agenda for discussion purposes.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### MINUTES

Special City Council Meeting on Tuesday, May 26, 2015, at 5 p.m.

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Informational Meeting of Tuesday, June 2, 2015, at 4:30 p.m.

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Regular City Council Meeting of Tuesday, June 2, 2015, at 7 p.m.

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#### COMMUNICATIONS

1. Approval of contracts/agreements on the June 4, 2015 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the agreement for Economic Development, Core Fa<sup>^</sup>sade Revitalization, Agreement for fa<sup>^</sup>sade reimbursement, 3877 Land Company, \$80,000.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to approve the agreement for Parks/Rec, Aquatic Center, Agreement for enhanced commissioning services, Questions & Solutions, \$47,800.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

2. Approval of the notice of change orders on the June 4, 2015 memo.

3. Foundation Park Memorandum of Understanding and Term Sheet.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to approve the Foundation Park Memorandum of Understanding and Term Sheet.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Report of Requests for Quotes for Fuel dated: June 2, 2015; #2 Clear Diesel;  
4. 7,500 gallons; Harms Oil (\$2.2116); Petroleum Traders Co. (\$2.2275); CHS, Inc. (\$2.2408); Howes Oil and Midwest Oil, both no bid. Bid awarded to:

Harms Oil.

A communication was received from AAA Travel requesting permission to  
5. consume, but not sell, wine at AAA Travel, 1300 Industrial Ave., on Tuesday,  
June 16, 2015, from 6 p.m. until 8 p.m. for a river cruise travel show.

A communication was received from Tracy Koller requesting permission to  
6. consume, but not sell, wine and champagne at the Old Courthouse Museum, 200  
W. Sixth St., on Saturday, August 8, 2015, from 9 a.m. until 5 p.m. for a  
bridal shower.

A communication was received from Donovan Baer and Theresa Oldenburg  
7. requesting permission to consume, but not sell, wine, liquor, and/or malt  
beverage at Active Generations, 2300 W. 46th St., on Saturday, August 8,  
2015, from 3 p.m. until midnight for a wedding reception.

#### APPLICATIONS

Amend the New 2015-16 Retail Malt Beverage License, approved on June 2,  
2015, to a New 2015-16 Retail Malt/South Dakota Farm Wine License for  
8. Woodgrain Brewing Company LLC, Woodgrain Brewing Company LLC, to be operated  
at 101 South Phillips Avenue, Suite 100. Pending final inspections per  
Fire, Health and Building Services.

The following abatements were recommended for approval by the Director of  
Equalization and the State's Attorney's Office for Minnehaha County; and the  
City Attorney for Sioux Falls:

Patrick D. Keultjes, 7801 W. Berretta Cir., for 2014 property taxes in the  
amount of \$339.48. The Minnehaha County Commission approved this parcel for  
9. a tax exemption under SDCL 10-4-40 during the 2015 County Board process. As  
it also met the requirements for the previous year. Taxpayer is now  
requesting an abatement.

Items 10-11: The amount requested is the difference between the elderly  
freeze and the non-elderly freeze.

10. Nancy A. Hansen, 1009 W. 7th St., for 2014 property taxes in the amount of  
\$117.80.

11. Marion Johnson, 5115 E. 22nd St., for 2014 property taxes in the amount of  
\$365.33.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Michelle Erpenbach to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson,  
Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit  
L. Staggers, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Bruce Danielson spoke about open meetings.

I.L. Wiedermann spoke about speaking the truth, paying for the Denny Sanford Premier Center siding, private meetings, and the indoor swimming pool.

Jerry Berg spoke about the proposed rezoning of South Hillview Road.

Hugh Grogan spoke about the proposed change in swimming rates.

Scott Ehrisman spoke on meeting time constraints, proposed swimming pool rates, private meetings, and former city firefighter Patrick Warren.

James Ysbrand spoke about the proposed swimming pool rate increase, private meetings, and sidewalks.

Items 1 and 3 were heard at this time. See items for action taken.

#### UNFINISHED BUSINESS

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Osher Lifelong Learning Institute to be operated in the CNA Building  
12. Communication Room, 101 South Reid and the 8th & Railroad Shopping Center back dock and patio, 401 East 8th Street, for a Science Happy Hour on June 12, 2015, and to authorize publication of the notice on 05-29-15 to set the hearing date.

A motion was made by Council Member Rex Roling and seconded by Council Member Greg Jamison to approve Item 12.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
13. THE CODE OF ORDINANCES OF THE CITY BY CLARIFYING THE PENALTIES FOR VIOLATIONS OF UTILITY ORDINANCES.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Ordinance No. 56-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

14. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING REBATES FOR WASHING MACHINE PURCHASES.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 57-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 7, 2015, at 7 p.m. for Item 15:

15. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY CHANGING A STREET NAME.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, July 7, 2015, at 7 p.m. for Item 15.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

16. A RESOLUTION VACATING THE S. DULUTH AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF W. 39TH ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 41ST ST.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt said Item 16.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, 5. Noes, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, 3.

Motion Failed.

A RESOLUTION VACATING THE UNNAMED STREET RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. 60TH ST. N. TO 476.71' SOUTH AS SHOWN ON THE ATTACHED EXHIBIT.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 41-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 41-15

A RESOLUTION VACATING THE UNNAMED STREET RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. 60TH ST. N. TO 476.71' SOUTH AS SHOWN ON THE ATTACHED EXHIBIT.

WHEREAS, a petition of the owners of:

Tract 1 of Sioux Valley Tracts in the NE1/4 of Section 33, T102N, R49W, Minnehaha County, SD

Tracts 1A and 2A of County Auditor's Subdivision of the NE1/4 of Section 33, T102N, R49W, Minnehaha County, SD

Tract 3A of County Auditor's Subdivision of the NE1/4 of Section 33, T102N, R49W, Minnehaha County, SD

Tract 2 of Sioux Valley Tracts, an addition to the City of Sioux Falls,  
Minnehaha County, SD

WHEREAS, the hearing was held on June 9, 2015, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition hereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has been used as a street or alley and no longer serves a useful purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the unnamed street right-of-way from the south right-of-way line of E. 60th St. N. to 476.71' south, as shown on the attached exhibit, be and the same hereby is declared vacated and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on the attached exhibit for drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and all public utility uses required or authorized by the City of Sioux Falls, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

Council Member Dean Karsky left the meeting at this time.

18. A RESOLUTION VACATING A PORTION OF THE S. KENTON LANE RIGHT-OF-WAY AS SHOWN ON EXHIBIT 1.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 42-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Rick Kiley, Rex Rolwing, Kermit L. Stagers, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 42-15

A RESOLUTION VACATING A PORTION OF THE S. KENTON LANE RIGHT-OF-WAY AS SHOWN ON EXHIBIT 1.

WHEREAS, a petition of the owners of:

Lots 6, 8 Block 1 & Lot 14 Block 2 & Lot 1 Block 4 & Lot 1 Block 5 Three Fountains Addition to the City of Sioux Falls and Tract 7 of Prairie Hills South Addition to the City of Sioux Falls, all in Lincoln County, South Dakota

WHEREAS, the hearing was held on June 9, 2015, and the petition has been duly

examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition hereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has not been used as a street or alley in the past 20 years and no longer serves a useful purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That a portion of the S. Kenton Lane right-of-way as shown on Exhibit 1, be and the same hereby is declared vacated, and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on Exhibit 1 for access, drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and all public utility uses required or authorized by the City of Sioux Falls, and that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

Council Member Dean Karsky returned to the meeting at this time.

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT THE BASIN 17 SANITARY 19. SEWER SYSTEM AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 43-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 43-15

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT THE BASIN 17 SANITARY SEWER SYSTEM AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

WHEREAS, the City Code of Ordinances Section/Chapter 51.089 provides that when main sewers or trunk sewers or service sewers are constructed by the City, the construction costs may be recovered from property benefited according to the benefit accrued to the property before the property may be served by the facilities; and

WHEREAS, it is necessary to construct the Basin 17 Sanitary Sewer System in accordance with plans and specifications prepared under the direction of the Office of City Engineer and on file in the Office of the City Engineer to serve the property listed in Table 1 of the attached cost recovery evaluation; and

WHEREAS, the sanitary interceptor sewers may serve areas benefited thereby, and the cost has been apportioned against such property; and

WHEREAS, the City has determined that it is appropriate that such benefited property pay its proportionate share of the cost of such construction on a per acre basis, without interest, according to the benefits that may accrue to such property, with payment to be made before such property is platted for development, or if already platted, before it is served by the Basin17 improvements; and

WHEREAS, the governing body has determined the amount to be paid and the apportionment thereof among the benefited properties; and

WHEREAS, such benefited property owners have been notified of the hearing on this

Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

1. That the estimated cost and expense of the improvements shall be levied by cost recovery upon the property listed in Table 1. The improvements shall be assessed upon the property listed in Table 1 based on the area of the property benefited, as provided by law.
2. That the Basin 17 Sanitary Sewer Cost Recovery cost allocated to said property shall be delayed until such time as the property owner requests platting for development and at the time of plat approval all costs on a per acre basis will become payable in full or escrowed.
3. That in the event the property described in Table 1 is already platted, the benefited property owner(s) are required to pay the Basin 17 Sanitary Sewer Cost Recovery amount shown in Table 1 prior to connection to the City sanitary sewer system.
5. That in the event the property described in Table 1 is subdivided and sold to a new owner(s), each new owner is required to pay the Basin 17 Sanitary Sewer Cost Recovery applicable to the parcel to be developed on a per acre basis if such cost recovery has not been previously paid.
6. Any property described in Table 1 of the attached cost recovery evaluation shall be required to pay the City of Sioux Falls the amount established in the cost recovery evaluation, which is attached to and part of this resolution.
7. The Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution as a notice to all potential or actual future landowners of possible present or future cost recovery payments on said property.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad



City Clerk

20. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF  
SIDEWALK ON W. 41ST ST. FROM S. SERTOMA AVE. TO S. ELLIS RD.

A motion was made by Council Member Rick Kiley and seconded by Council Member  
Michelle Erpenbach to adopt said Resolution No. 44-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson,  
Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling,  
7. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 44-15

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR [CONSTRUCTION OF  
SIDEWALK ON W. 41ST ST. FROM S. SERTOMA AVE. TO S. ELLIS RD].

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

SECTION 1. That the special assessment roll for the assessment of the property  
assessable for [construction of sidewalk on W. 41st St. from S. Sertoma Ave. to  
S. Ellis Rd.] pursuant to a contract entered into with [D & G Concrete ]  
on the [18th ] day of [February ], 20[14  
, be and the same is hereby approved and the assessment as set out in the  
special assessment roll approved this date is hereby levied against the  
property described therein and becomes a lien against such property upon filing  
of the special assessment roll in the City Accounting Office.

SECTION 2. The assessment may be paid in [five ] annual  
installments and shall be collected under Plan One-Collection by County  
Treasurer as provided in SDCL 9-43.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will  
become due and payable at the office of the County Treasurer in [five  
] installments, together with interest at [3.75 ]percent  
per annum in accordance with SDCL 9-43. The first installment, with interest,  
will become due with general taxes and will be payable at the County  
Treasurer's Office on January1, 20[16 ]; the remaining  
installments, with interest, will become due and payable annually at the County  
Treasurer's Office on January1 of each following year until total  
assessment, with interest, is paid in full.

Notice is further given that the special assessment roll approved in the above  
resolution was filed with the City Clerk's Office on the [9th ]

day of [June ], 20[15 ], and that the whole of said assessment, or any installment thereof, may be paid without interest to the City Accounting Office on or before 30 days after said filing.

Lorie Hogstad

City Clerk

21. A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER MAIN ALONG W. 41ST ST. FROM S. SERTOMA AVE. TO S. GRINNELL AVE.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Resolution No. 45-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolwing, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 45-15

A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER MAIN ALONG W. 41ST ST. FROM S. SERTOMA AVE. TO S.GRINNELL AVE.

WHEREAS, the City of Sioux Falls has financed and constructed a [sanitary sewer main ] extending from the City of Sioux Falls [sanitary sewer ] distribution system to primarily serve property along [W.´ 41st St. ];

WHEREAS, the City determines that it is appropriate that such benefited property pay its proportionate share of the cost of such construction, without interest, according to the benefits that may accrue to such property before such property may be served by such facility;

WHEREAS, the governing body has made an investigation and found and determined the amount to be paid and the apportionment thereof among the benefited properties; and

WHEREAS, the City Council has determined that the amount to be paid the City for such benefit is as follows:

[NE1/4 (ex. R-1) Sec. 34-T101N-R50W, Minnehaha County, SD, \$47,974.82; Tract 1 R. B. Flowerfields Addn., City of Sioux Falls, Minnehaha County, SD \$17,369.39; SW1/4 SE1/4 (ex. R-1 & ex. R. B. Flowerfields Addn.) Sec. 27-T101N-R50W), Minnehaha County, SD \$31,470.66;]NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the costs allocated to said property shall be delayed without interest until such time as the property requests connection to said utility, at which time all costs previously determined applicable would become payable in full. It is further resolved that a copy of this resolution shall be recorded at the Register of Deeds Office, Minnehaha County, SD, as a notice to all potential or actual future landowners that proof of payment is required prior to the time such property shall connect to said utility.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT STORM SEWER EASEMENT LOCATED IN THE SOUTH 10 FEET OF THE SOUTH 21 FEET OF LOT 1 AND ALL OF LOT 2 OF JACOBSEN'S SUBDIVISION OF THE EAST ONE-HALF OF BLOCK 4, PETTIGREW AND TATE'S 6TH ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 46-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 46-15

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT STORM SEWER EASEMENT LOCATED IN THE SOUTH 10 FEET OF THE SOUTH 21 FEET OF LOT 1 AND ALL OF LOT 2 OF JACOBSEN'S SUBDIVISION OF THE EAST ONE-HALF OF BLOCK 4, PETTIGREW AND TATE'S 6TH ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent storm sewer easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent storm sewer easement was recorded in the office of the Register of Deeds for Minnehaha County, SD, on December 7, 1973, in Book 113 of Miscellaneous on Page437;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the release of the permanent easement area, as shown on attached Exhibit A, and affecting the real property described as the South 10 feet of the South 21 feet of Lot 1 and all of Lot 2 of Jacobsen's Subdivision of the East one-half of Block 4, Pettigrew and Tate's 6th Addition to Sioux Falls, Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 24 FOOT STORM DRAINAGE  
23. AND UTILITY EASEMENT LOCATED IN TRACT H-1 IN LOT 2 IN BLOCK 5 OF VALHALLA  
ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Christine M. Erickson and seconded by  
Council Member Rex Roling to adopt said Resolution No. 47-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson,  
Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling,  
Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 47-15

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 24 FOOT STORM DRAINAGE AND  
UTILITY EASEMENT LOCATED IN TRACT H-1 IN LOT 2 IN BLOCK 5 OF VALHALLA ADDITION  
TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent 24 foot  
storm drainage and utility easement area across the above-described real  
property, as shown on Exhibit A. Signed approvals from all public and private  
utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent easement area was established by Plat 59-167 in Tract H  
in Lot 2 in Block 5 of Valhalla Addition to the City of Sioux Falls and filed  
for record in the office of the Register of Deeds for Minnehaha County, SD, on  
August 8, 1997, and replatted and reconfirmed by Plat 59-265 in Tract H-1 in  
Lot 2 in Block 5 of Valhalla Addition to the City of Sioux Falls and filed for  
record in the office of the Register of Deeds for Minnehaha County, SD, on  
November 19, 1997;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the release of the permanent easement area, as shown on  
attached Exhibit A, and affecting the real property described as Tract H-1 in  
Lot 2 in Block 5 of Valhalla Addition to the City of Sioux Falls, Minnehaha  
County, SD, and that the City Clerk shall cause to be recorded with the  
Register of Deeds, Minnehaha County, SD, a duly certified transcript of this  
resolution.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 10' UTILITY EASEMENT  
24. LOCATED IN TRACT 3 OF CANDLELIGHT ACRES SECOND ADDITION TO THE CITY OF

SIoux FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Resolution No. 40-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 40-15

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 10' UTILITY EASEMENT LOCATED IN TRACT 3 OF CANDLELIGHT ACRES SECOND ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent 10' utility easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent easement area boundaries were established by Book X of Plats on page 184 of Candlelight Acres Second Addition to the City of Sioux Falls and filed for record in the office of the Register of Deeds for Lincoln County, SD, on July 7, 2004, and replatted and reconfirmed by Book Y of Plats on page 211 in Tract 3 of Candlelight Acres Second Addition to the City of Sioux Falls and filed for record in the office of the Register of Deeds for Lincoln County, SD, on December 28, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the release of the permanent easement area, as shown on attached Exhibit A, and affecting the real property described as Tract 3 of Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 06/09/15 .

Mark Cotter

for Mayor

ATTEST:

Lorie Hogstad

City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, July 14, 2015, at 7 p.m. for Item 25:

A PROPOSED RESOLUTION VACATING THE ALLEY RIGHT-OF-WAY FROM THE EAST RIGHT-OF-WAY LINE OF N. HELEN AVE. TO THE WEST RIGHT-OF-WAY LINE OF N. HARLEM AVE. AS SHOWN ON THE ATTACHED EXHIBIT.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing for Tuesday, July 14, 2015, at 7 p.m. for Item 25.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 14, 2015, at 7 p.m. for Item 26:

A PROPOSED RESOLUTION VACATING THE N. SEUBERT AVE. RIGHT-OF-WAY FROM THE 26. NORTH RIGHT-OF-WAY LINE OF E. 57TH ST. N. TO THE SOUTH PROPERTY LINE OF LOT 9 BLOCK 1 HIGHLAND PARK SUBDIVISION AS SHOWN ON EXHIBIT A.

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to set a date of hearing for Tuesday, July 14, 2015, at 7 p.m. for Item 26.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 14, 2015, at 7 p.m. for Item 27:

A PROPOSED RESOLUTION VACATING THE ALLEY RIGHT-OF-WAY FROM THE NORTH RIGHT-27. OF-WAY LINE OF W. 11TH ST. TO THE NORTH LOT LINES OF LOTS 5A AND 14 BLOCK 5 J. L. PHILLIPS ADDITION AS SHOWN ON EXHIBIT A.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to set a date of hearing for Tuesday, July 14, 2015, at 7 p.m. for Item 27.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to adjourn at 8:59 p.m.

Mayor Mike Huether called for a voice vote. All members voted yes.

Motion Passed.

Denise D. Tucker, CMC

Assistant City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE

PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. HOWEVER, THE SOUTH DAKOTA SUPREME COURT HAS RULED THAT CITY COUNCILORS MAY NOT ENGAGE IN PRIVATE COMMUNICATIONS WITH PERSONS WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT. IN THOSE INSTANCES, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING ON THAT MATTER WHEN IT IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS SHOULD UNDERSTAND THAT THEIR COMMENTS WILL BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG). LINKS TO EACH MEETING'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.